IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

FELIX ALVAREZ BATISTA

CASE NO.   14-07485-BKT

CHAPTER 13

DEBTOR(S)

TRUSTEE'S REPORT ON CONFIRMATION

1. A meeting of creditors pursuant to Section 341 was held on **October 14, 2014**. The meeting was (was not) duly attended by debtor(s) and their attorney.

2. The liquidation value of the estate is: To be determined.

3. With respect to the attached payment plan:

PLAN DATE: October 13, 2014   PLAN BASE: $94,000.00

TRUSTEE'S COMMENTS AND RECOMENDATIONS DATED: <u>10/24/2014</u>

☐ FAVORABLE   ☒ UNFAVORABLE

1. **[X] FEASIBILITY 11 USC § 1325(a)(6):**

   Debtor's plan proposes to devote a lump sum payment in the amount of $77,000.00 coming from the sale of the property located at Bo Cacao in Patillas. However, debtor has claimed exempt $22,975.00. Plan must include language to state that the debtor will deemed waived the amounts necessary in order to make the lump sum feasible.

2. **[X] INSUFFICIENTLY FUNDED § 1325(b):**

   Plan is insufficiently funded to pay secured creditors.

3. **[X] FAILS DISPOSABLE INCOME TEST § 1325(b)(1)(B):**

   1) Expenses related to business not included as attachment in Schedule "I". 2) The debtor testified that he makes the payment of the 2008 Jeep Wrangler. The monthly payment is of $529. The debtor states this payment matures in 6 months. Amend Schedule J accordingly. 3) Trustee objects the expenses deducted in SCMI, line 4b. This expenses can be deducted in line 60. Provide evidence to sustain the rental operation expenses.

4. **[X] FAILS LIQUIDATION VALUE TEST § 1325(a)(4):**

   1) provide documentation to sustain the value of the property located in Bo. Cacao Alto, Patillas. Also, provide photos of said property. 2) The debtor has a interest in the estate of his father, Miguel Alvarez Velez, consisting of a real property located in Utuado, Puerto Rico. The debtor is one of seven heirs. Debtors' interest in this property was not disclosed in the case schedules. 3) The debtor testified he had an accident in the Domican Republic in around 2007. Provide copy of the judgment, if any, and disclose if schedules it still active. 4) As per liquidation value plan needs to provide payment of 100% plus legal interest to non -priority unsecured creditors. 5)Schedule B discloses a 2008 Jeep Wrangler with a value of $0.00. The debtor testified this is his vehicle, although is under the name of third party. The debtor is asked to disclose the actual value of the vehicle.

5. **[X] DOMESTIC SUPPORT OBLIGATION:**

   • Post-petition payments § 1302(a)(8): Provide that he is current with DSO payments until the confirmation of the case.

6. **[X] FAILS SECTION 1325(a)(9):**

   • State Tax Returns: State - years 2010 thru 2013

[X] OTHER:

1) Debtor needs to review treatment in plan to secured creditor Crim, it should be reclassified from arrears to pay in full. 2)Ivu registration regarding rent income has not been provided. 3) As per meeting of creditors, debtor testified that the 2012 Jeep Compass is being used and paid by a third party. This vehicle is the collateral of a secured loan with FirstBank. The plan provide that the debtor will make direct payments to FirstBank. Notwithstanding, the debtor will not make direct payment to FirstBank since this loan is being paid by a third party. Debtor is asked to amend plan to disclose that this loan is being paid by third party, and consider lift the stay in favor of creditor. Also Schedule J needs to be amended to delete car's loan payment regarding First Bank's collateral. 4) This meeting is held open until 10/28/2014 pursuant 1308. After this date the meeting is deemed CLOSED.

NOTICE: This report anticipates Trustee's position as per 11 USC § 1302(b)(2) a copy of which has been served upon counsel for debtor(s). Copies
are available to parties in interest at the Trustee's Office.

 Atty Fee:$3,000.00 /$1,092.00/$1,908.00

Atty: MIRIAM A MURPHY

/s/ Miriam Salwen Acosta
Miriam Salwen Acosta

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